

Improvement Res. No. 1379-75

*vacation of Rathert Lane
from epl of Dunning
Ave. to its eastern terminus*

Resolution Adopted:

January 27, 1975

Confirmed:

Feb. 20, 1975

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

March 27, 1975

B.O. 176-74

DECLARATORY RESOLUTION NO. 1379-75

for the vacation of Rathert Lane from the east
property line of Dusing Avenue to its eastern
terminus.

ADOPTED: January 27, 1975

ADVERTISE NOTICE TO PROPERTY OWNERS: Jan. 31 & Feb. 7, '75

NOTICES MAILED: Feb. 7, 1975

HEARING ON CONFIRMATION: Thurs. Feb. 20, 1975 at 3:30 p.m.

CONFIRMED: February 20, 1975

ASSESSMENT ROLL ORDERED: = 2/20/75

ASSESSMENT ROLL APPROVED: March 5, 1975

HEARING ON CONFIRMATION OF A. R.: Thurs. Mar. 27, 1975
at 3:30 p.m.

NOTICE SERVED: March 14, 1975

ASSESSMENT ROLL CONFIRMED. March 27, 1975

taken to D. of F.

Complete

61-269-6 H.I.
1/27/75

DECLARATORY RESOLUTION No. 1379 1975

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of Rathert Lane from the east property line of Dusing Avenue to its eastern terminus

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Rathert Lane from the east property line of Dusing Avenue to its eastern terminus.

NOTE: The entire street shall revert back to Lot #6, Fernhill Place Amended Addition because it was originally appropriated from this addition.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lot #6, Fernhill Place Amended Addition and Lots #13 and #14, Ratherts Subdivision. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter Section Twenty Six, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

27

DAY OF

Jan. 19 75

Attest:

Emmanuel Smith
Secretary Board of Public Works.

Glenn Souding
Board of Public Works.

[Faint, illegible handwritten notes]



STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE CITY PLAN COMMISSION
OF FORT WAYNE, INDIANA, AND THE
COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA

PETITION TO VACATE STREET

Comes now LAKE COUNTY TRUST COMPANY, not individually, but as Trustee under a Trust Agreement dated December 16, 1968, and known as Trust No. 1471, by Landau, Heyman & Clay, Inc., its authorized agent, and hereby petitions the City Plan Commission of the City of Fort Wayne, Indiana, and the Common Council of the City of Fort Wayne, Indiana, for the vacation of that certain public street located in the City of Fort Wayne, Allen County, Indiana, and described as follows:

That portion of Rathert Lane, an East-West street approximately Twenty-Five (25) feet in width, lying North of Lot 6 in Fernhill Place Amended Addition to the City of Fort Wayne, Indiana, and lying North of the vacated alley, 12 feet in width, lying East of said Lot 6, according to the plat thereof recorded in Plat Record 14, Page 129, in the Office of the Recorder of Allen County, Indiana.

In support of its petition, Petitioner represents as follows:

1. That your Petitioner is the fee simple owner of Lot 6 in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, Page 129, in the Office of the Recorder of Allen County, Indiana; and that said Lot 6 is the only lot in Fernhill Place Amended Addition which would be affected by the vacation of said portion of Rathert Lane.

2. That the said twelve foot North-South alley in Fernhill Place Addition which has been vacated has reverted to and become a part of said Lot 6 of the Petitioner.

3. That Petitioner is the owner of all of the land lying directly to the North of the portion of Rathert Lane sought to be vacated.

4. That your Petitioner is the owner of all of the real estate abutting on the North and South of said portion of said Rathert Lane sought to be vacated, and that your Petitioner would be the only landowner who would be affected by the vacation of that portion of Rathert Lane sought to be vacated.

5. That said portion of Rathert Lane sought to be vacated has never been improved, has rarely been open to the public, and is not needed for ingress or egress or as a right-of-way by your Petitioner, by any other property owner on Rathert Lane, or by any of the citizens of Fort Wayne, Indiana; and that it is Petitioner's belief that the vacation of said alley is not required for the growth of the City of Fort Wayne nor necessary for ingress or egress to any real estate within the City of Fort Wayne.


6. That your Petitioner has reason to believe that a sewer line exists beneath the portion of Rathert Lane proposed to be vacated, and that your Petitioner will cooperate fully in granting to the City of Fort Wayne, Indiana, an easement for the purpose of maintaining said sewer line.

7. That your Petitioner believes that the vacation of said alley will enable your Petitioner to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.

8. That your Petitioner has filed with the Board of Public Works of the City of Fort Wayne, Indiana, a petition in regard to the vacation of said portion of Rathert Lane and has requested appropriate resolution and action by the Board of Public Works of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, Lake County Trust Company, prays for the vacation of this portion of Rathert Lane according to the provisions of the Indiana law pertaining thereto and for all other proper relief.

LAKE COUNTY TRUST COMPANY,
Trustee under Trust Agreement dated
December 16, 1968, known as Trust
No. 1471 by Landau, Heyman & Clay,
Inc., its duly authorized agent.

By 
Edwin Rousseau,
Agent for Landau, Heyman & Clay, Inc.

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

61-294-1,2 &3

Date February 20, 1975

To STREET ENGINEERING DEPARTMENT

Subject Declaratory Resolutions 1377-75, 1378-1975 and 1379-1975

Subject Resolutions CONFIRMED, Please prepare Assessment Rolls of Benefits and Damages.

B.O. 128-1969	#1377-1975	- Vac. of Vermont Ave, etc.
175-1974	#1378-1975	- Vac. of Shoreworth Trail, etc.
176-1974	#1379-1975	- Vac of Rathert Lane, etc.

HEARING ON CONFIRMATION ON Dec. Res. No. 1380-1975 - continued to Thursday, March 13, 1975 at 3:30 p.m. to allow for a survey to be made.

J. D. BOSWELL
C. E. O'NEAL
G. G. CONKLING
BOARD OF PUBLIC WORKS

AJF

RECEIVED

FEB

CITY ENGINEER - DEPT.

Signed _____

Reply: _____

February 28, 1975

Assessment roll of benefits and damages for Declaratory Resolution No. 1379-75 completed and attached.

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer
KNT/mr
Encs. (3)

Ren Boran

City Engineer

Signed _____

62-7-13
3/5/75

61-294-1,2 &3
February 20, 1975

STREET ENGINEERING DEPARTMENT

Declaratory Resolutions 1377-75, 1378-1975 and 1379-1975

Subject Resolutions CONFIRMED. Please prepare Assessment Rolls of Benefits and Damages.

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J. D. BOSWELL

C. E. O'NEAL

G. G. CONKLING

BOARD OF PUBLIC WORKS

attachments - P.O. Lists 1377, 1378 and 1379

AJFA



THE CITY OF FORT WAYNE

board of public works

March 18, 1975.

SUBJECT: Hearings

Dear Councilman Hinga:

Please be advised that the Board has scheduled a public hearing Thursday, March 27, 1975 at 3:30 p.m. concerning the following project(s):

HEARING ON CONFIRMATION:

Sdw. and Curb Imp. Res. No. 5679-75 Bounded by Spring,
Barthold, Fourth and Andrew
Streets

HEARING ON CONFIRMATION OF ASSESSMENT ROLL:

Dec. Res. 1379-1975 Vac. Rathert Lane, etc. ✓

You are invited to attend this public hearing and hear the comments of your constituents regarding the project(s). If you have any questions on the project(s), please feel free to call.

Sincerely,

Jerry D. Boswell

Carl E. O'Neal

Glenn G. Conkling

BOARD OF PUBLIC WORKS

ep

cc: Mayor

AN EQUAL OPPORTUNITY EMPLOYER

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2 INDIANA

B.O. 176-74

Date October 25, 1974

To Street Engineering

Subject Vacation of Portion of Rathert Lane North of Alley

The above Board Order has been assigned to subject Vacation.

Attached is a copy of petition submitted to City Plan and a copy of the Ordinance passed by the Council.

Please proceed with preparation of Resolution.

Jerry D. Boswell
Carl E. O'Neal
Glenn G. Conkling
BOARD OF PUBLIC WORKS

NOTED

☒ J.D.B.

☐ C.E.O.

☒ G.C.

Date _____

RECEIVED

OCT 28 1974

CITY ENGINEERING DEPT.

EIS:bt

BOARD OF PUBLIC WORKS

JAN 22 1975

Signed _____

Reply:

January 22, 1975

Declaratory Resolution, drawing and property ownership list is completed and attached.

The entire street shall revert back to Lot #6, Fernhill Place Amended Addition and is to be retained for easements.

APPROVED:

Ron Bonar
Ron Bonar, City Engineer

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer

lc
attachs.

Signed _____

61-261-6 1/27/75

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

NOTICE TO PROPERTY OWNER

Office Board of Public Works
City Hall
Fort Wayne, Indiana. January 31, 1975

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 1379-75 providing for the vacation of Rathert Lane from the east property line of Dusing Avenue to its eastern terminus.

The Board has fixed Thursday, February 20, 1975 at 3:30 p.m. Room 910, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 23rd day of January, 1975, the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION NO. 1377-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Vermont Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition.

NOTE: The entire street shall revert back to Lots 167 and 168, Delta Heights Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION NO. 1378-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Shoreworth Trail from the west property line of Penmoken Drive to the east property line of Baer Field Expressway.

DECLARATORY RESOLUTION NO. 1379-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Rathert Lane from the east property line of Dusing Avenue to its eastern terminus.

NOTE: The entire street shall revert back to Lot #6, Fernhill Place Amended Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION NO. 1380-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley abutted on the east by Lot #103, Electric Addition the west by the Norfolk and Western Railroad from the south property line of Brown Street to the north property line of the first east-west alley south of Brown Street.

All as shown by a plan of such proposed Vacations as above described, now on file in the office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacations shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, February 20, 1975, as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Jerry D. Boswell
Carl E. O'Neal
Glenn G. Conkling
BOARD OF PUBLIC WORKS

ATTEST: Edna I. Smith, Clerk

PUBLISH: January 31, 1975 and February 7, 1975

ep

M E M O R A N D U M

BOARD OF PUBLIC WORKS

DATE: December 20, 1974
TO: Ken Traylor - Street Engineering
FROM: Patsie Rumsey - City Plan Commission
SUBJECT: Your memo dated December 18, 1974 - regarding vacations

DEC 20 1974

1. The vacation of Rathert Lane from the east property line of Dusing Avenue to its eastern terminus (B. O. # 176-1974)

The Plan Commission approved this vacation at their Business Meeting held September 23, 1974.

2. The vacation of Shoreworth Trail from the west property line of Penmoken Drive to the east property line of Baer Field Expressway. (B.O. # 175-74)

The Plan Commission approved this vacation at their Business Meeting held September 23, 1974.

3. The vacation of the first alley east of Calhoun Street from the south property line of Douglas Street to the north property line of Brackenridge Street. (P. O. # 206-74)

The Plan Commission approved this vacation at their Business Meeting held October 21, 1974.

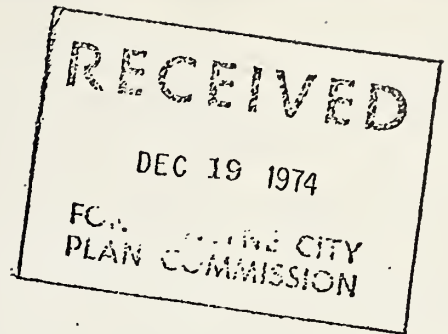
4. The vacation of the first alley south of Main Street from the west property line of the first alley west of Van Buren Street to the east property line of Jackson Street. (B.O. # 125-1974)

This vacation was scheduled for public hearing on August 19, 1974. The attorney representing the petitioners (St. Joseph Hospital) has requested indefinite postponement on this vacation. There seems to be some conflict between the hospital and the West Central Neighborhood Association. (See Attached requests for continuance).

cc:
Board of Public Works
Tom Manny

December 18, 1974

✓ Patsie Rumsey
City Plan Department



Tom Manny
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacations:

The vacation of Rathert Lane from the east property line of Dusing Avenue to its eastern terminus
B.O. #176-1974

The vacation of the first alley south of Main Street from the west property line of the first alley west of Van Buren Street to the east property line of Jackson Street.
B.O. #125-1974

The vacation of Shoreworth Trail from the west property line of Penmoken Drive to the east property line of Baer Field Expressway. B.O. #175-74.

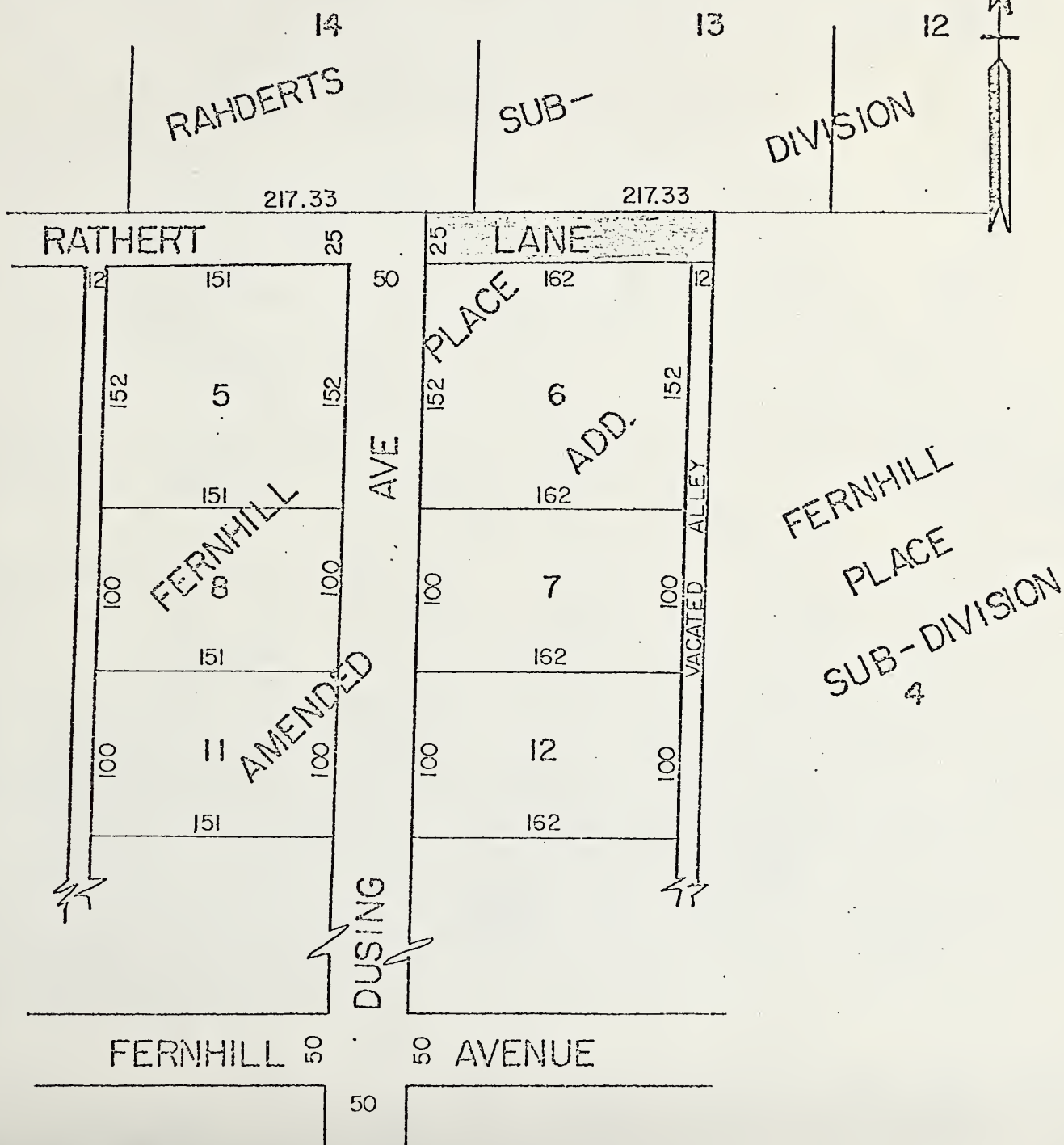
The vacation of the first alley east of Calhoun Street from the south property line of Douglas Street to the north property line of Brackenridge Street. B.O. #206-74
(The petitioner plans to build over the vacated area.)

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer

lc
attachs.

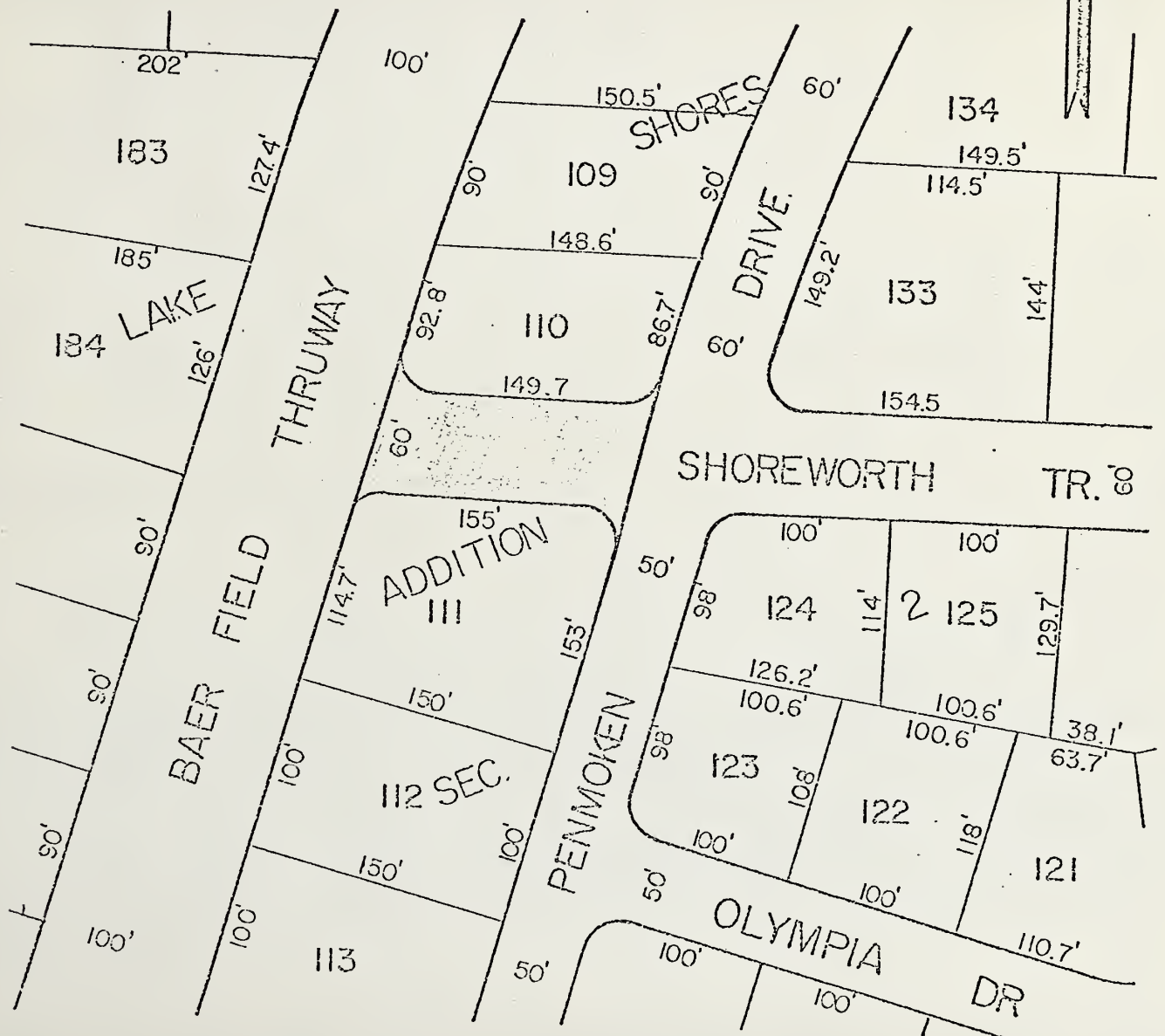
cc: Board of Public Works

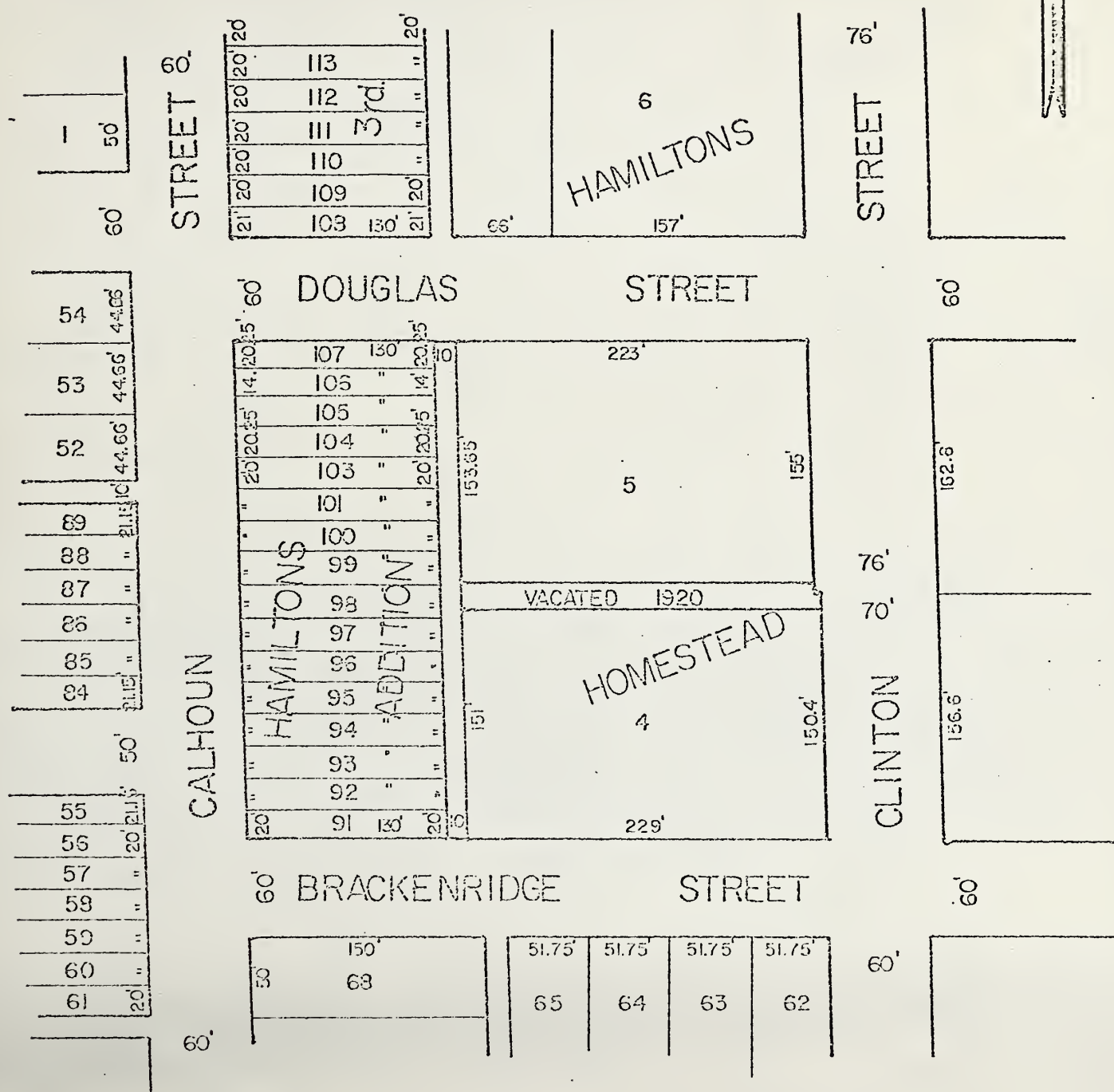
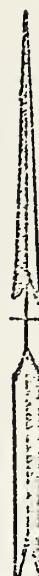
PORTION OF STREET TO BE VACATED



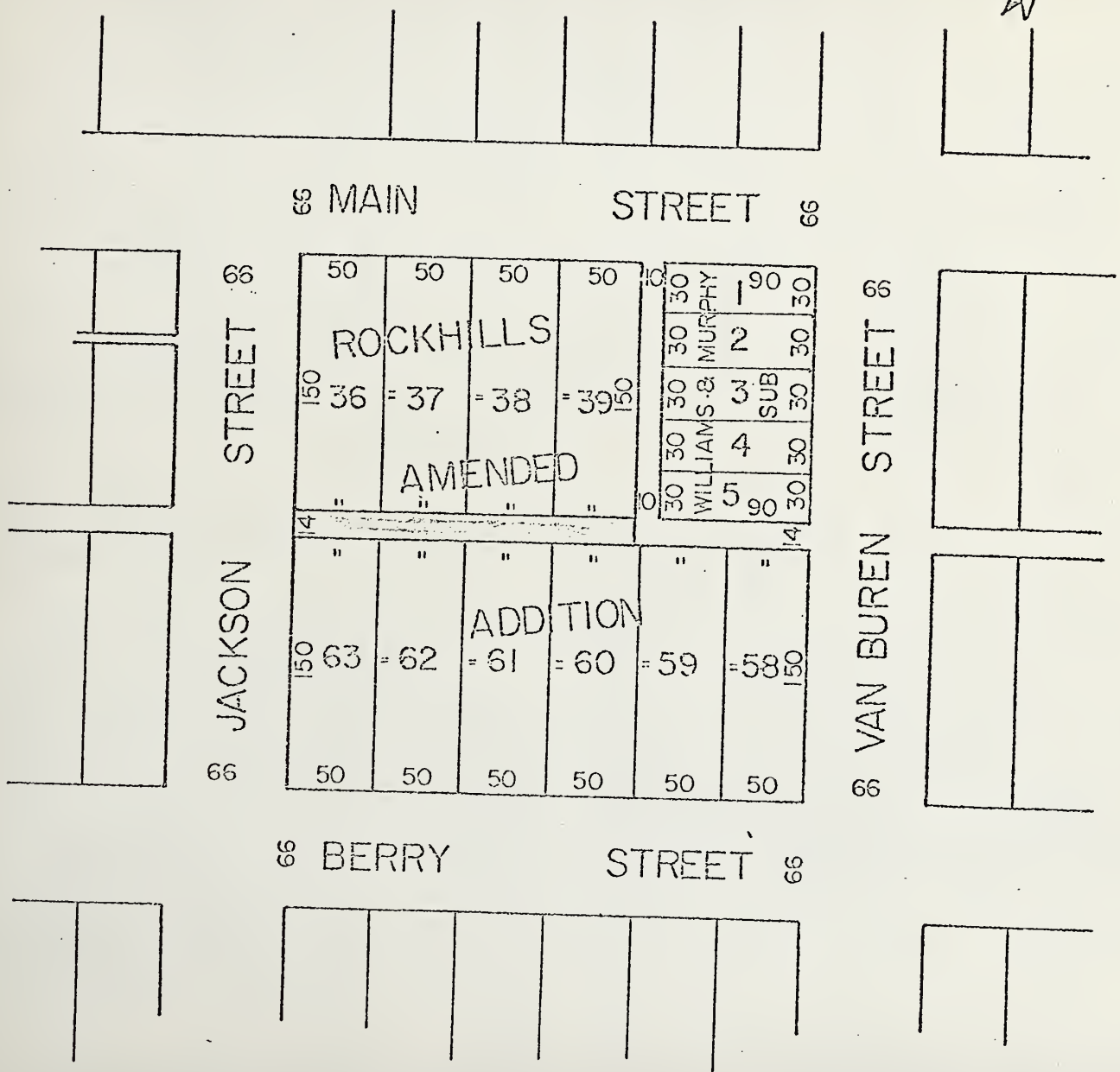
PORTION OF
STREET TO BE VACATED

SCALE
1"=100'





PORTION OF ALLEY TO BE VACATED



MOTION FOR FURTHER CONTINUANCE

Fort Wayne, Indiana
October 28, 1974

To The Plan Commission Of The City Of Fort Wayne And To The Board
Of Works Of The City Of Fort Wayne:

Gentlemen:

Comes now the Petitioner, by Counsel, and would respectfully
pray that the Plan Commission Hearing to be held in December 1974
on Petitioner's Petition to vacate the following described alley,
to-wit:

All that part of the alley in the City of Fort Wayne,
Allen County, Indiana, fourteen (14) feet wide, situ-
ated between West Main Street and West Berry Street,
extending East from the East line of Jackson Street
two hundred (200) feet to its intersection with the
West line of an alley, ten (10) feet wide, situated
between Jackson Street and Van Buren Street in said
City, and extending South from the South line of West
Main Street to the North line of the alley to be vacated,

be continued until the May 1974 business meeting of the Plan Com-
mission of the City of Fort Wayne for the following reasons:

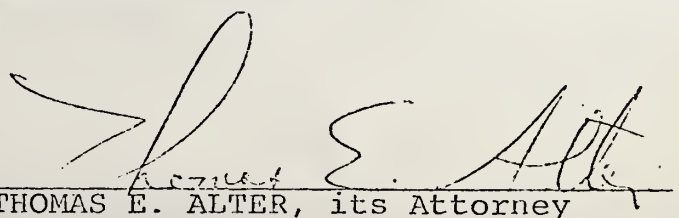
1. That it is in the best interest of all the parties con-
cerned that this Appeal be continued as requested.
2. That Appellant needs more time to coordinate his parking
plans with his expansion plans.
3. That the Appellant needs more time to work out the differ-
ences with the West Central Neighborhood Association in a mutually
satisfactory manner.

WHEREFORE, your Petitioner, by Counsel, respectfully prays
that the above Continuance be granted as prayed.

Respectfully submitted,

ST. JOSEPH HOSPITAL OF FORT WAYNE, INC.,
An Indiana Corporation

BY:


THOMAS E. ALTER, its Attorney

Approved in Open Hearing this day of , 1974.

FORT WAYNE CITY PLAN COMMISSION

BY: _____
President

MOTION FOR CONTINUANCE

Fort Wayne, Indiana
September 18, 1974

To The Plan Commission Of The City Of Fort Wayne And To The Board
Of Works Of The City Of Fort Wayne:

Gentlemen:

Comes now the Petitioner, by Counsel, and would respectfully
pray that the Plan Commission Hearing on its Petition to vacate
the following described alley to-wit:

All that part of the alley in the City of Fort Wayne,
Allen County, Indiana, fourteen (14) feet wide, situ-
ated between West Main Street and West Berry Street,
extending East from the East line of Jackson Street
two hundred (200) feet to its intersection with the
West line of an alley, ten (10) feet wide, situated
between Jackson Street and Van Buren Street in said
City, and extending South from the South line of West
Main Street to the North line of the alley to be vacated,

be continued until the December 1974 business meeting of the Plan
Commission of the City of Fort Wayne for the following reasons:

1. That the Indiana State Board of Health has indicated that
it will delay any decision on approval of the expansion plans of
St. Joseph Hospital until after its meeting in November 1974.
2. That Petitioner wants to coordinate its parking plans
with its expansion plans and cannot now do so because of the
action taken by the Indiana State Board of Health.
3. That, in addition, the Petitioner desires to work out the
differences with the West Central Neighborhood Association in a
mutually satisfactory manner and will need more time in order to
do so.

WHEREFORE, your Petitioner, by Counsel, respectfully prays
that the above Continuance be granted as prayed.

Respectfully submitted,

ST. JOSEPH HOSPITAL OF FORT WAYNE, INC.
An Indiana Corporation

BY: Thomas E. Alter
THOMAS E. ALTER, its Attorney

Approved in Open Hearing this 23rd day of August, 1974.

FORT WAYNE CITY PLAN COMMISSION

BY: _____
PRESIDENT

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 740

FORT WAYNE, INDIANA 46802

December 18, 1974

Northern Indiana Public Service Corp.
Indiana & Michigan Electric Company
General Telephone Company of Indian

We have received a petition to vacate the following:

Rathert Lane from the east property line of Dusing Avenue to its eastern terminus. (B. O. #176-1974)

The first alley south of Main Street from the west property line of the first alley west of Van Buren Street to the east property line of Jackson Street. (B.O. #125-1974)

Shoreworth Trail from the west property line of Penmoken Drive to the east property line of Baer Field Exressway. (B.O. #175-1974)

The first alley east of Calhoun Street from the south property line of Douglas Street to the north property line of Brackenridge Street. (B.O. #206-1974)

Note: The petitioner plans to build over the vacated area.

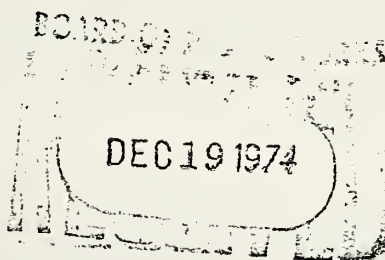
Please check your easement requirements on the enclosed post cards and return to us as soon as possible.

Yours truly,

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer

lc
attachs.

cc: Board of Public Works ✓



NOTED

☐ J.D.B.
☐ C.E.O.
☐ G.C.
Date _____



B.O. 176-74

October 25, 1974

Street Engineering

Vacation of Portion of Rathert Lane North of Alley

The above Board Order has been assigned to subject Vacation.

Attached is a copy of petition submitted to City Plan and a copy of the Ordinance passed by the Council.

Please proceed with preparation of Resolution.

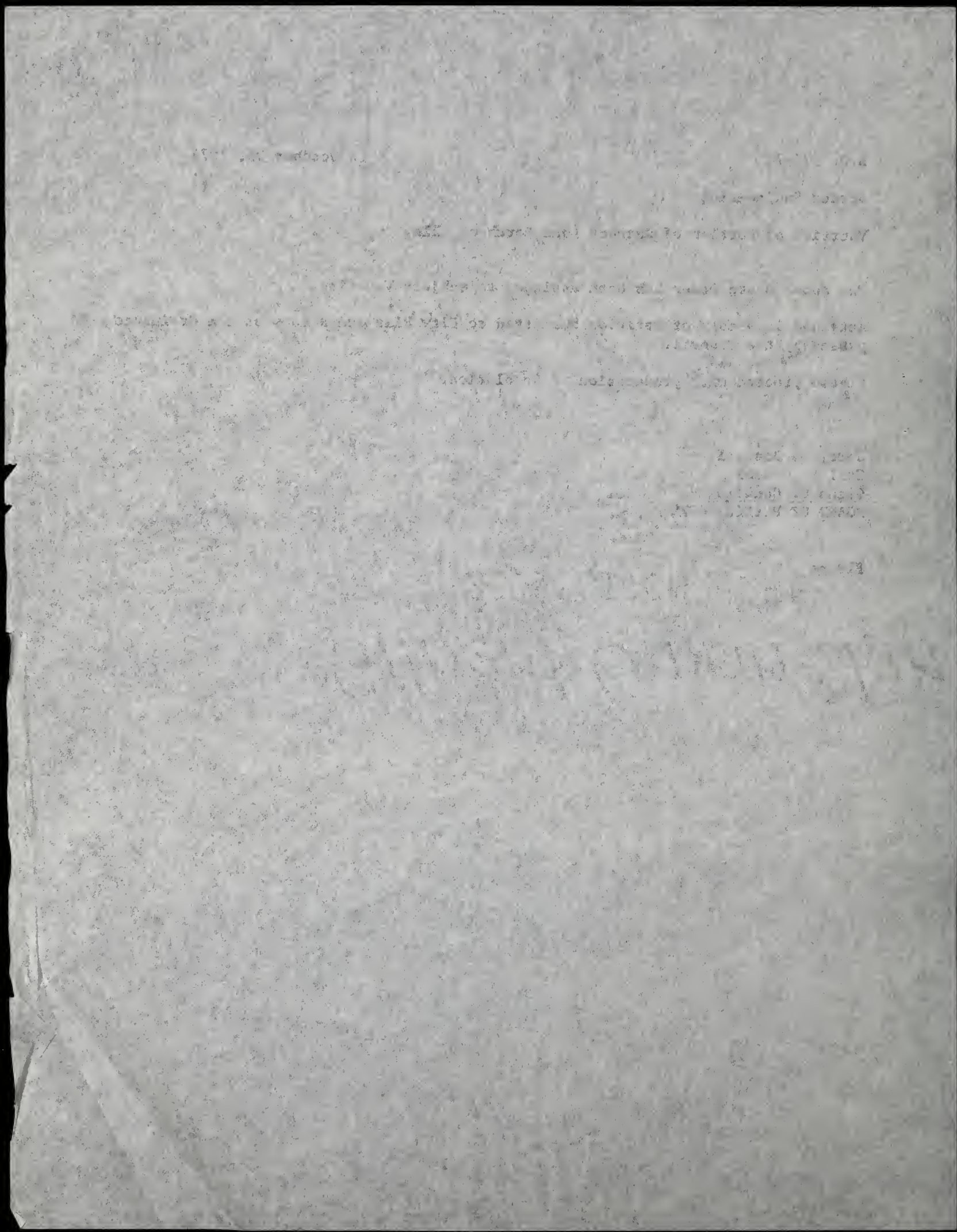
Jerry D. Boswell

Carl E. O'Neal

Glenn G. Conkling

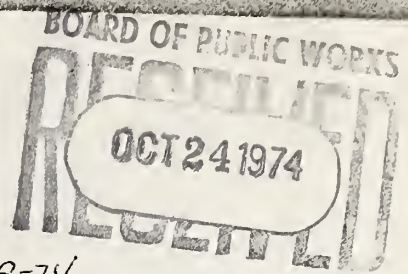
BOARD OF PUBLIC WORKS

EIS:bt



BILL NO. G-74-10- 09

176



GENERAL ORDINANCE NO. G- 28-74

AN ORDINANCE amending General Ordinance No.
G-97 by authorizing the vacation of a portion of
Rathert Lane in the City of Fort Wayne

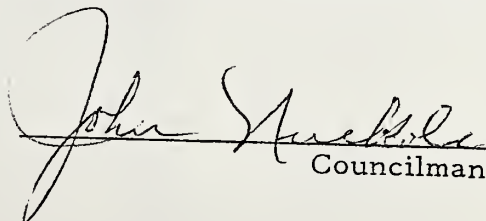
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a portion of Rathert Lane having
been filed with the Fort Wayne City Plan Commission on September 23, 1974 following
a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts
of the General Assembly of the State of Indiana, as amended by Section 3, Chapter
385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind.
Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in
General Ordinance No. G-97 adopted by the Common Council of the City of Fort
Wayne on November 26, 1963, is amended by deleting the following portion of
Rathert Lane in Fort Wayne, Allen County, Indiana, to-wit:

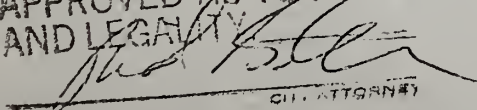
That portion of Rathert Lane, an East-West street approximately
Twenty-Five (25) feet in width, lying North of Lot # 6 in Fernhill
Place Amended Addition to the City of Fort Wayne, Indiana and
lying North of the vacated alley, 12 feet in width, lying East of
said Lot 6, according to the plat thereof recorded in Plat Record
14, Page 129, in the office of the Recorder of Allen County, Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor
and legal publication, a duly certified copy of this Ordinance, of the recommendation
of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be
transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne,
Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and
after its passage, approval by the Mayor and legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY



FILE NO. C-18-10-

_____ , seconded by Burns , and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 10/8/74

Charles W. Whittemore
CITY CLERK

Read the third time in full and on motion by Nuckols , seconded by Hinga , and duly adopted, placed on its passage. Passed (~~over~~) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<u>X</u>	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____
KRAUS	<u>X</u>	_____	_____	_____
MOSES	_____	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	<u>X</u>
SCHMIDT, D.	<u>X</u>	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____

DATE: 10-22-74

Charles W. Whittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~Planning~~ (General) ~~Amendment~~ (~~Special~~) ~~Ordinance~~ Ordinance No. 4-28-74 on the 22nd day of October, 1974.

ATTEST: (SEAL)
Charles W. Whittemore
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of October, 1974, at the hour of 11:00 o'clock a M., E.S.T.

Charles W. Whittemore
CITY CLERK

Approved and signed by me this 23rd day of October, 1974, at the hour of 3:00 o'clock P. M., E.S.T.

Quayle
MAYOR

M E M O R A N D U M



DATE: September 5, 1974
TO: Edna Smith - Board of Works
FROM: Patsie Rumsey - City Plan
SUBJECT: Vacation of a portion of Rathert Lane

Attached:

Petition to vacate portion of Rathert Lane

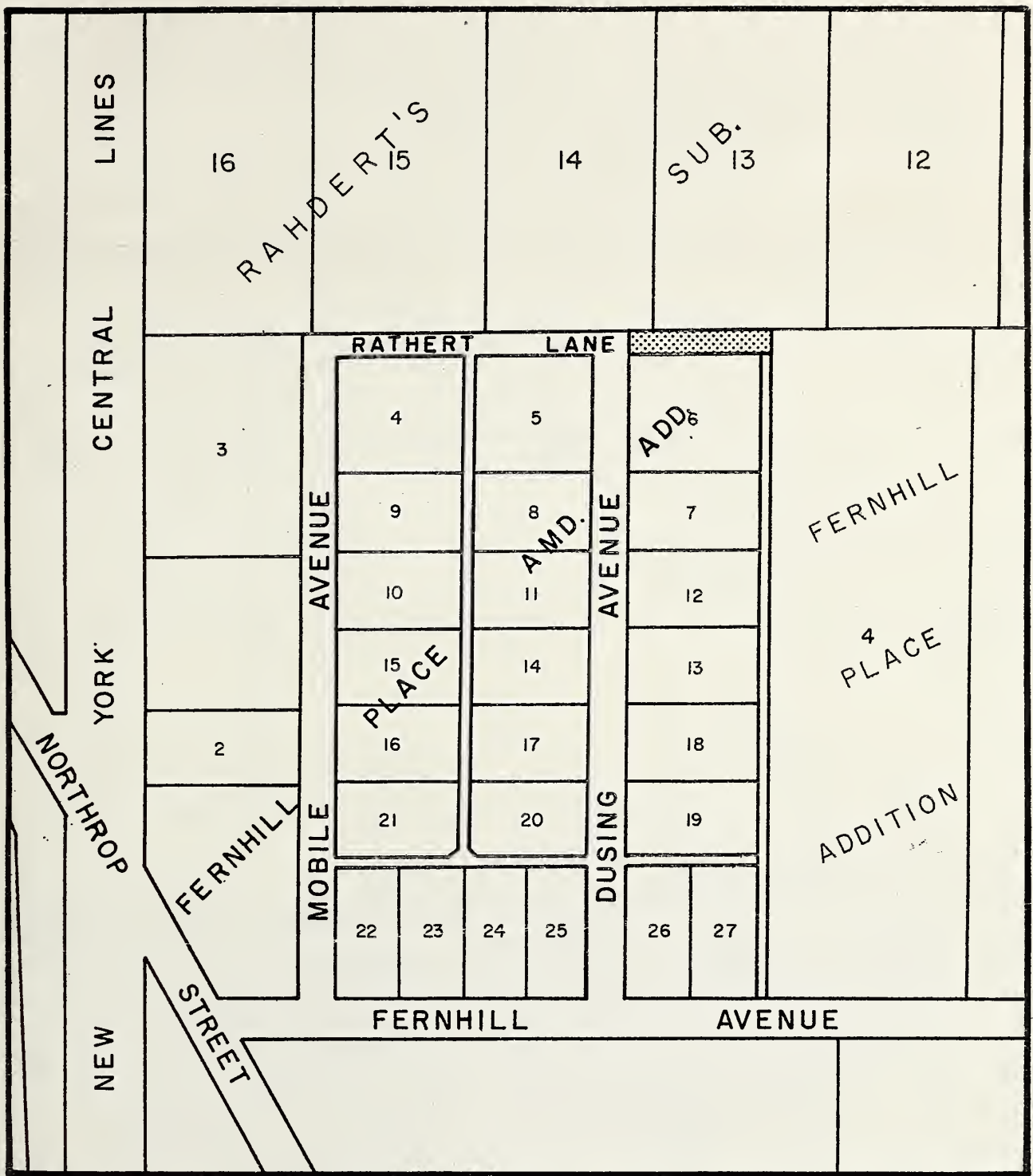
Copy of Legal publication (To be published on September 13, 1974)


Map showing location of street

Public hearing to be heard September 23, 1974. Following recommendation of
DO PASS or DO NOT PASS - vacation will be sent to Council for final approval.

Any questions, please call.

Patsie



 PORTION OF STREET TO BE VACATED

NOTICE OF PUBLIC HEARING

Notice is hereby given that the FORT WAYNE CITY PLAN COMMISSION will conduct a public hearing on September 23, 1974, at 7:30 P.M. in Room #128, City-County Building, One Main Street, Fort Wayne, Indiana, on the vacation of the following described public street situated in Allen County, Indiana, to-wit:

That portion of Rathert Lane, an East-West street approximately Twenty-Five (25) feet in width, lying North of Lot 6 in Fernhill Place Amended Addition to the City of Fort Wayne, Indiana, and lying North of the vacated alley, 12 feet in width, lying East of said Lot 6, according to the plat thereof recorded in Plat Record 14, Page 129, in the office of the Recorder of Allen County, Indiana.

Interested persons are invited to attend said hearing and be heard. Following such hearing said Fort Wayne City Plan Commission will forward its recommendation to the governing body having jurisdiction over streets and alleys in said area.

FORT WAYNE CITY PLAN COMMISSION

Thomas J. Offerle
Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE CITY PLAN COMMISSION
OF FORT WAYNE, INDIANA, AND THE
COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA

PETITION TO VACATE STREET

Comes now LAKE COUNTY TRUST COMPANY, not individually, but as Trustee under a Trust Agreement dated December 16, 1968, and known as Trust No. 1471, by Landau, Heyman & Clay, Inc., its authorized agent, and hereby petitions the City Plan Commission of the City of Fort Wayne, Indiana, and the Common Council of the City of Fort Wayne, Indiana, for the vacation of that certain public street located in the City of Fort Wayne, Allen County, Indiana, and described as follows:

That portion of Rathert Lane, an East-West street approximately Twenty-Five (25) feet in width, lying North of Lot 6 in Fernhill Place Amended Addition to the City of Fort Wayne, Indiana, and lying North of the vacated alley, 12 feet in width, lying East of said Lot 6, according to the plat thereof recorded in Plat Record 14, Page 129, in the Office of the Recorder of Allen County, Indiana.

In support of its petition, Petitioner represents as follows:

1. That your Petitioner is the fee simple owner of Lot 6 in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, Page 129, in the Office of the Recorder of Allen County, Indiana; and that said Lot 6 is the only lot in Fernhill Place Amended Addition which would be affected by the vacation of said portion of Rathert Lane.

2. That the said twelve foot North-South alley in Fernhill Place Addition which has been vacated has reverted to and become a part of said Lot 6 of the Petitioner.

3. That Petitioner is the owner of all of the land lying directly to the North of the portion of Rathert Lane sought to be vacated.

4. That your Petitioner is the owner of all of the real estate abutting on the North and South of said portion of said Rathert Lane sought to be vacated, and that your Petitioner would be the only landowner who would be affected by the vacation of that portion of Rathert Lane sought to be vacated.

5. That said portion of Rathert Lane sought to be vacated has never been improved, has rarely been open to the public, and is not needed for ingress or egress or as a right-of-way by your Petitioner, by any other property owner on Rathert Lane, or by any of the citizens of Fort Wayne, Indiana; and that it is Petitioner's belief that the vacation of said alley is not required for the growth of the City of Fort Wayne nor necessary for ingress or egress to any real estate within the City of Fort Wayne.


6. That your Petitioner has reason to believe that a sewer line exists beneath the portion of Rathert Lane proposed to be vacated, and that your Petitioner will cooperate fully in granting to the City of Fort Wayne, Indiana, an easement for the purpose of maintaining said sewer line.

7. That your Petitioner believes that the vacation of said alley will enable your Petitioner to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.

8. That your Petitioner has filed with the Board of Public Works of the City of Fort Wayne, Indiana, a petition in regard to the vacation of said portion of Rathert Lane and has requested appropriate resolution and action by the Board of Public Works of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, Lake County Trust Company, prays for the vacation of this portion of Rathert Lane according to the provisions of the Indiana law pertaining thereto and for all other proper relief.

LAKE COUNTY TRUST COMPANY,
Trustee under Trust Agreement dated
December 16, 1968, known as Trust
No. 1471 by Landau, Heyman & Clay,
Inc., its duly authorized agent.

By 
Edwin Rousseau,
Agent for Landau, Heyman & Clay, Inc.



THE CITY OF FORT WAYNE
board of public works

February 10, 1975

SUBJECT: HEARING

Dear Councilman Hinga:

Please be advised that the Board has scheduled a public hearing Thursday, February 20, 1975 at 3:30 p.m. concerning the following projects:

HEARING ON CONFIRMATION

✓ Dec. Res. 1379-1974 Vacation of Rathert Lane

HEARING ON CONFIRMATION OF ASSESSMENT ROLL

St. Imp. Res. No. 5667-74 Council Drive

You are invited to attend this public hearing and hear the comments of your constituents regarding the projects. If you have any questions on the projects, please feel free to call.

Sincerely,

Jerry D. Boswell

Carl E. O'Neal

Glenn G. Conkling

BOARD OF PUBLIC WORKS

ep

cc: Mayor



THE CITY OF FORT WAYNE
board of public works

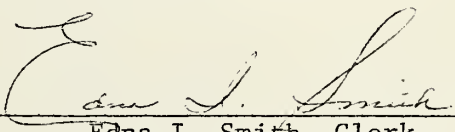
June 9, 1975

Mr. Robert T. Hoover, Attorney
200 Strauss Building
Fort Wayne, Indiana 46802

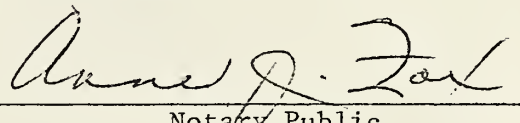
RE: Vacation of Rathert Lane from the east property line
of Dusing Avenue to its eastern terminus.

CERTIFICATION

I, Edna I. Smith, hereby certify that I am the duly appointed,
acting and incumbent Clerk of the Board of Public Works of the City of
Fort Wayne, Indiana, and, as such, the custodian of the records and
minutes of said Board and that the Vacation of Rathert Lane from the
east property line of Dusing Avenue to its eastern terminus was Finally
Confirmed by said Board at its regular meeting on the 27th day of March,
1975, as shown in Minute Record Book 62, Page 23, Item 4,


Edna I. Smith, Clerk
BOARD OF PUBLIC WORKS

Subscribed and sworn to before me, this 9th day of June, 1975.


Notary Public

My Commission expires:

March 6, 1976

/bt

AN EQUAL OPPORTUNITY EMPLOYER



Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Board of Public Works
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

61

6

68

COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at 288¢
cents per line

\$ 19.58

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 19.58

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 22nd day of January, 1975, the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION

NO. 1377-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Vermont Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition. NOTE: The entire street shall revert back to Lots 167 and 168, Delta Heights Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION

NO. 1378-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Sporeworth Trail from the west property line of Pennoken Drive to the east property line of Deer Field Expressway.

DECLARATORY RESOLUTION

NO. 1379-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Palmer Lane from the east property line of Dusing Avenue to its eastern terminus. NOTE: The entire street shall revert back to Lot No. 6, Fernhill Place Amended Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION

NO. 1380-1975

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley abutting on the east by Lot No. 103, Electric Addition the west by the Norfolk and Western Railroad from the south property line of Brown Street to the north property line of the first east-west alley south of Brown Street.

All as shown by a plan of such proposed vacations as above described, now on file in the office of the Department of Public Works of the City of Fort Wayne, Indiana. The cost of said vacations shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, February 20, 1975, as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day of 5:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSWELL,
CARLE E. O'NEAL,
GLENN G. CONKLING,
BOARD OF PUBLIC WORKS
ATTEST: EDNA L. SMITH,
Clerk

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just if the same has been paid.

19 75

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

1/31 & 2/7/75

Subscribed and sworn to before me this 7th day of February, 1975

Notary Public

My commission expires October 25, 1975

Fort Wayne Board of Public Works
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

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Total number of lines in notice

1

61

6

68

COMPUTATION OF CHARGES

.....68.....lines,.....1.....columns wide equals.....68.....equivalent lines at.....288¢
cents per line

\$ 19.58

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 19.58

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions.....2.....

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

NOTICE TO PROPERTY OWNERS
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NO. 1377-1975
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Vermont Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition. NOTE: The entire street shall revert back to Lots 167 and 168, Delta Heights Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION
NO. 1378-1975
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Shoreworth Trail from the west property line of Penmoken Drive to the east property line of Baer Field Expressway.

DECLARATORY RESOLUTION
NO. 1379-1975
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Rathert Lane from the east property line of Dusing Avenue to its eastern terminus. NOTE: The entire street shall revert back to Lot No. 6, Fernhill Place Amended Addition because it was originally appropriated from this addition.

DECLARATORY RESOLUTION
NO. 1380-1975
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley abutting on the east by Lot No. 193, Electric Addition the west by the Norfolk and Western Railroad from the south property line of Brown Street to the north property line of the first east-west alley south of Brown Street.

All as shown by a plan of such proposed Vacations as above described, now on file in the office of the Department of Public Works of the City of Fort Wayne, Indiana. The cost of said Vacations shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, February 20, 1975, as the date on which remonstrances will be heard and considered thereon and on said day at 3:30 a.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSWELL,
CARL E. O'NEAL,
CLENNIE G. CONKLING,
BOARD OF PUBLIC WORKS
ATTEST: EDNA I. SMITH,
Clerk

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

V. E. Gerken

, 19 75

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....V. E. Gerken.....who, being duly sworn, says

that.....She is.....Clerk.....of the

NEWS-SENTINEL

DAILY

a.....newspaper of general circulation printed and published in the English language in the city } of.....FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....two.....

time, S.....the dates of publication being as follows:

1/31 & 2/7/75

Subscribed and sworn to before me this.....

7th

February

19 75

Notary Public

My commission expires.....October 25, 1975.....

Improvement Resolution No 1379-75 For THE VACATION OF RATHER LANE FROM THE EAST PROPERTY LINE OF DUSING AVENUE

TO ITS EASTERN TERMINUS.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	LAKE COUNTY TRUST CO. TR.	46 LANDAU HERRING CLAY INC 130 SOUTH LA SALLE ST CHICAGO ILL 60603	6			FERNHILL PLACE AND ADD.
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4	SEARS, ROEBUCK CO.	7447 SIOCKIE BOULEVARD SKOKIE ILLINOIS 60076	13 E 179 74			" "
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	BY <u>ep</u>					
		TOTAL				

1-31-75
ep

1379-75